

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA)	Criminal Case No. 3:04cr00092-8
)	
v.)	<u>2255 FINAL ORDER</u>
)	
RASHADI ANDRE WEARING,)	By: Norman K. Moon
Petitioner.)	United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the United States' motion to dismiss (Docket No. 516) is **GRANTED**; Wearing's motion pursuant to 28 U.S.C. § 2255 (Docket No. 507) is **DISMISSED**; and this action is **STRICKEN** from the active docket of this court.

Further, finding that Wearing has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The Clerk is directed to send a certified copy of this order and the accompanying memorandum opinion to the parties.

ENTER: This 15th day of November, 2013.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE